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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,878	06/01/2001	Frank Leymann	DE920000002US1	3172

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,878

Applicant(s)

LEYMANN ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Prosecution Reopened

In view of the Appeal Brief filed on 10/14/2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Status:

Claims 1-13 are pending. Claims 1-13 are rejected as detailed below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 4, 6, 8 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,073,109 issued to Flores et al (hereafter Flores).

Claims 1 and 11

Flores discloses a method of optimizing a workflow management system (WFMS) [business processes col 3, lines 30-37], said method being executable by said WFMS on at least one computer system [workflow server, Fig 2],

- said WFMS accessing a WFMS database containing as an object at least one process model or an instantiation of said process model [model paradigm of object oriented programming per col 8, lines 25-35, business model per col 19, lines 5-10]
- said method comprising the step of transferring said object of the WFMS database to an archive database [archiving a business process per col 101, lines 13-18, archiving all business processes per col 108, lines 45-50].

Claim 2:

Flores discloses the step of transferring objects of the WFMS database to the archive database is carried out if predetermined event occurs [business process is complete, col 108, lines 45-50]

Claim 3:

Flores discloses the step of transferring said object of the WFMS database to the archive database is carried out if the objects are not currently used by the WFMS [business process is completed per col 108, lines 40-50]

Claim 4:

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Flores discloses the objects transferred to the archive database comprise process instances [a business process is complete per col 108, lines 40-50]

Claim 6:

Flores discloses the further step of transferring from an application store to an application archive store data which is managed by programs that implement activities of a process model from which process instances are transferred to the archive database [a business process is complete per col 108, lines 40-50].

Claim 8:

Flores discloses the object transferred to the archive database comprises a process model [business model, col 19, lines 5-10].

Claim 12:

Flores discloses a data processing system [abstract]

Claim 13:

Flores discloses computer readable program mans for causing a computer to perform the method of claim 1 when the program is executed in a computer [abstract].

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flores in view of US Pat No. 5,771,384 issued to Remington et al (hereafter Remington).

Claim 5:

Flores discloses the elements of claims 1 and 4 as noted above but does not disclose the process instance transferred to the archive database is selected among instances of a certain process model depending on the value of certain properties of the process model. Remington discloses the process instance transferred to the archive database is selected among instances of a certain process model depending on the value of certain properties of the process model [col 7, lines 35-40]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flores to include the process instance transferred to the archive database is selected among instances of a certain process model depending on the value of certain properties of the process model as taught by Remington for the purpose of indicating whether the item has been modified since the item was last archived [col 7, lines 35-40]. The skilled artisan would have been motivated to modify Flores per the above such that a determination can be made whether to perform an archiving function.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flores in view of US Pat No. 6,067,548 issued to Cheng.

Claims 7-10:

Flores discloses the elements of claims 1, 4 and 6 as noted above but fails to disclose the further step of transferring the data from the application archive store back to the application store. Cheng discloses the further step of transferring the data from the application archive store

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back to the application store [col 8, lines 37-50]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flores to include the further step of transferring the data from the application archive store back to the application store as taught by Cheng for the purpose of cycling between the active and inactive state [col 8, lines 25-33]. The skilled artisan would have been motivated to modify Flores per the above such that information can be returned to a storage system which provides faster access [col 8, lines 45-50].

Response to Arguments

Applicant's arguments filed 10/14/2004, have been fully considered but they are moot based on above new grounds of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Etienne LeRoux

3/3/2005


SAFET METJAHIC
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